

CAUSE NO. 2017-003991-1

KAREN SNELL AND GARY SNELL,	§	IN THE COUNTY COURT
PLAINTIFFS,	§	
	§	
VS.	§	COUNTY COURT AT LAW NO. 1
	§	
HOLGUIN TRANSPORT SERVICE	§	
CORP. DBA H.T.S. AND SERGIO	§	
AGUIRRE,	§	TARRANT COUNTY, TEXAS
DEFENDANTS.		

STATE COURT ACTION DOCUMENT INDEX

1. State Court Case Summary
2. Plaintiffs' Original Petition and Plaintiffs' Request for Disclosure to Defendants filed on July 3, 2017
3. Executed Citation for Sergio Aguirre with Officer's Return of Service filed on July 24, 2017
4. Executed Citation for Holguin Transport Corp. d/b/a H.T.S. with Return of Service filed on July 26, 2017
5. Defendants' Original Answer – General Denial filed on July 26, 2017

COUNTY COURT AT LAW NO. 1
CASE SUMMARY
CASE NO. 2017-003991-1

Karen Snell and Gary Snell
vs
Holguin Transport Service Corp. d/b/a/ H.T.S. and Sergio Aguirre

§
§
§
§

Location: **County Court at Law No. 1**
Judicial Officer: **Pierson, Don**
Filed on: **07/03/2017**

CASE INFORMATION

Case Type: **Injury/Damage - Motor Vehicle Accident**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 2017-003991-1
Court County Court at Law No. 1
Date Assigned 07/03/2017
Judicial Officer Pierson, Don







PARTY INFORMATION

Plaintiff	Snell, Gary	<i>Lead Attorneys</i> Galliani, Carlos G. <i>Retained</i> 214-301-3400(W)
	Snell, Karen	Galliani, Carlos G. <i>Retained</i> 214-301-3400(W)
Defendant	Aguirre, Sergio Holguin Transport Service Corp d/b/a/ H.T.S.	

DATE

EVENTS & ORDERS OF THE COURT

INDEX

07/03/2017	Original Petition	
07/03/2017	 Original Petition Party: Plaintiff Snell, Karen; Plaintiff Snell, Gary	
07/12/2017	Citation Holguin Transport Service Corp d/b/a/ H.T.S. Unserved  Aguirre, Sergio Served: 07/19/2017 Mail to Attorney	
07/24/2017	 Paper Returned Party: Defendant Aguirre, Sergio	 <p>TRUE AND CORRECT COPY OF ORIGINAL RECORD FILED IN TARRANT COUNTY, TEXAS: MARY LOUISE GARCIA, COUNTY CLERK</p>
07/26/2017	 Paper Returned Party: Defendant Holguin Transport Service Corp d/b/a/ H.T.S. RETURN OF SERVICE	
07/26/2017	 Defendant's Original Answer Party: Defendant Holguin Transport Service Corp d/b/a/ H.T.S.; Defendant Aguirre, Sergio	

DATE

FINANCIAL INFORMATION

Plaintiff Snell, Karen

COUNTY COURT AT LAW No. 1
CASE SUMMARY
CASE NO. 2017-003991-1

Total Charges	267.00
Total Payments and Credits	267.00
Balance Due as of 8/10/2017	0.00



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

2017-003991-1

CAUSE NO. _____

KAREN SNELL and GARY SNELL,

Plaintiffs,

v.

HOLGUIN TRANSPORT SERVICE
CORP. D/B/A H.T.S. and
SERGIO AGUIRRE,

Defendants.

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IN THE COUNTY COURT

AT LAW NO. _____

TARRANT COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW KAREN SNELL AND GARY SNELL, Plaintiffs in the above-styled cause, complaining of Holguin Transport Service Corp. ("Holguin") and Sergio Aguirre, Defendants herein, and would respectfully show this Honorable Court as follows:

LEVEL OF DISCOVERY CONTROL PLAN

1.01 Pursuant to Texas Rule of Civil Procedure 190.1, discovery is intended to be conducted under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

PARTIES

2.01 Plaintiffs are husband and wife and residents of North Richland Hills, Tarrant County, Texas. The last three digits of Gary Snell's social security number are 671. The last three digits of Karen Snell's social security number are 985.

2.02 Defendant Holguin Transport Service Corp. d/b/a H.T.S. (hereinafter "Holguin") is a Florida corporation having its principal place of business in Hialeah, Miami-Dade county, Florida, and may be served by serving its registered agent, Radames Santiesteban, 8948 NW 119 Terrace, Hialeah Gardens, FL 33018. Service by private process is requested at this time.

PLAINTIFFS' ORIGINAL PETITION



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TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

Page 1

2.03 Defendant Sergio Aguirre (hereinafter "Aguirre") is a resident of Yuma, Yuma county, Arizona, and may be served with process at 1640 W. 8th Street, Apt. 7, Yuma, AZ 85364. Service by private process is requested at this time.

JURISDICTION AND VENUE

3.01 The amount in controversy is within the jurisdictional limits of this Court.

3.02 Tarrant County is the proper venue for this action pursuant to the Texas Civil Practice and Remedies Code, Section 15.002, *et seq.*, because Tarrant County is where all or a majority of the events giving rise to this action occurred.

FACTUAL STATEMENT

4.01 On or about February 17, 2016, Plaintiffs were stopped at a stop light at the westbound exit ramp for Boulevard 26 at NE Loop 820 in Tarrant County, Texas. Due to Defendant Aguirre's inattention, he struck the back of the Plaintiffs' 2000 Honda SE vehicle. Defendant Aguirre was in the scope of his employment with Defendant Holguin.

NEGLIGENCE: HOLGUIN TRANSPORT SERVICE CORP. D/B/A H.T.S. AND SERGIO AGUIRRE

5.01 Plaintiffs would show that at the time of this collision, Defendant Holguin, by and through the actions of its employees, agents, representatives, and/or vice-principals, including but not limited to Sergio Aguirre, failed to exercise the reasonable care of a reasonable and prudent person under the same or similar circumstances, particularly with regard to the following:

- a. In traveling at a high rate of speed when approaching an intersection;
- b. In failing to take proper evasive action;
- c. In failing to control the vehicle;
- d. In failing to apply his brakes in a timely manner; and



- e. In failing to pay attention when operating his motor vehicle.

5.02 Plaintiffs would further show that Defendant Holguin is liable for the acts and omissions of its employee or statutory employee Sergio Aguirre under the doctrine of *respondent superior*.

5.03 Direct Claims of Negligence: Holguin Transport Service Corp d/b/a H.T.S. Defendant Holguin is independently liable for its own acts and/or omissions, which constituted negligence as that term is defined by law. Defendant Holguin did not possess and comply with reasonable care ordinarily possessed and used by similar entities engaged in the same type of service in the same or in a similar locality. The acts and/or omissions include, but are not limited to the following:

- a. Negligently and grossly negligently entrusting a vehicle to Sergio Aguirre;
- b. Failing to properly qualify Sergio Aguirre;
- c. Failing to supervise Sergio Aguirre;
- d. Failing to train Sergio Aguirre;
- e. Failing to timely apply brakes; and
- f. Failing to instruct Defendant Sergio Aguirre on driving a vehicle safely.

5.04 The above described collision which is the basis of this suit, was proximately caused by the negligence of the Defendants as described by statute in the following respects:

- a. Violating Texas Transportation Code § 545.062(a) – Following Distance:

“An operator shall, if following another vehicle, maintain an assured clear distance between the two vehicles so that, considering the speed of the vehicles, traffic, and the conditions of the highway, the operator can safely stop without colliding with the preceding vehicle or veering into another vehicle, object, or person on or near the highway.”

- b. Violating state and federal regulations, including but not limited to 49 C. F. R. §§ 350 to 399, and by way of example, including the following:



- a. 49 C.F.R. 383.111 (failing to have required knowledge of vehicle operation)
- b. 49 C.F.R. 383.113 (failing to have required skills in vehicle operation);
- c. 49 C.F.R. 390.3 (failing to have knowledge and compliance with regulations);
- d. 49 C.F.R. 390.11 (failing to observe regulations);
- e. 49 C.F.R. 390.13 (aiding, abetting, or encouraging drivers to violate law);
- f. 49 C.F.R. 392.2 (failing to properly operate vehicle and equipment);
- g. 49 C.F.R. 392.3 (failing to properly operate his vehicle while fatigued); and
- h. 49 C.F.R. 395 (operating vehicle in excess of hours of service).

5.05 The above-referenced acts or omissions, whether taken separately or cumulatively, were a proximate cause of this collision and resulted in Plaintiffs' injuries. Moreover, the negligence of the Defendants in violating Texas Transportation Code § 545.062(a) and 49 C. F. R. §§ 350 to 399, as set out above, constitutes negligence as a matter of law.

DAMAGES

6.01 Plaintiffs Karen Snell and Gary Snell would show that as a direct and proximate result of the acts and/or omissions committed by Defendants, Plaintiffs Karen Snell and Gary Snell suffered serious and permanent personal injuries, which has caused Plaintiffs in the past and will, in reasonable probability, cause Plaintiffs in the future physical pain, mental anguish, lost wages, loss of earning capacity, physical impairment, disfigurement, medical, and hospital expenses, for which Plaintiffs should be compensated in accordance with the laws of the State of Texas.

6.02 Pursuant to Rule 47(c)(2) of the Texas Rules of Civil Procedure, Plaintiffs seeks monetary relief over \$100,000.00 but not more than \$200,000.00.

JURY DEMAND

7.01 Plaintiffs respectfully requests that the trial of this cause be by jury, and Plaintiffs tenders the requisite jury fee contemporaneous with the filing of this Plaintiffs' Original Petition.

REQUEST FOR DISCLOSURE



8.01 Plaintiffs requests that Defendants, within fifty (50) days of service of this Plaintiffs' Original Petition, serve their responses to Requests for Disclosure as described in Rule 194.2(a)-(l) of the Texas Rules of Civil Procedure.

PRAYER

9.01 **WHEREFORE, PREMISES CONSIDERED**, Plaintiffs respectfully request that Defendants be cited to appear and answer herein, and that upon full and final hearing of this cause, Plaintiffs have judgment of and from the Defendants as follows:

- a. For all actual damages, both past and future, as prayed for herein;
- b. For all of Plaintiffs' costs of court;
- c. For pre-judgment interest at the highest legal rate and for the longest period of time allowed by law on all elements of damage claimed herein;
- c. For post-judgment interest at the highest legal rate allowed by law until collected; and
- d. For such other and further relief, both general and specific, at law or in equity, to which this Honorable Court should find Plaintiffs to be justly entitled.

Respectfully submitted,

**LAW OFFICE OF CARLOS G. GALLIANI,
P.C.**

/s/ Carlos Galliani
CARLOS G. GALLIANI
Texas Bar No. 24069752
11700 Preston Rd. Suite 660 #216
Dallas, TX 75230
214.301.3400 (Telephone)
817.345.3522 (Fax)
cg@cgalilianilaw.com (Email)
**ATTORNEY FOR PLAINTIFFS
KAREN SNELL AND GARY SNELL**



CAUSE NO: 2017-003991-1

ORIGINAL CITATION

ORIGINAL PETITION



THE STATE OF TEXAS

TO: Sergio Aguirre
1640 W. 8th Street
Apt 7
Yuma, AZ 85364
Defendant in the hereinafter styled and numbered cause.

E-FILED
TARRANT COUNTY, TEXAS
7/24/2017 4:34 PM
MARY LOUISE GARCIA
COUNTY CLERK
BY: C. J. W.

You are commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation in the County Court at Law No. 1 of Tarrant County, Texas, at the Courthouse located at 100 WEST WEATHERFORD ST., Fort Worth, Texas 76196. The Original Petition was filed on July 03, 2017, and is numbered 2017-003991-1. The case style is:

Karen Snell and Gary Snell

vs

Holguin Transport Service Corp. d/b/a/ H.T.S. and Sergio Aguirre

A true copy of the above-described Original Petition accompanies and is made a part of this citation.

Plaintiff Attorney is: **Carlos G. Galliani**
11700 Preston Rd Suite 600 #216
Dallas, TX 75230
Phone: 214-301-3400 Bar No. 24069752

***** NOTICE TO DEFENDANT *****

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

Issued under my hand and seal of this court on July 12, 2017 at Fort Worth, Texas, by Lesly Martinez Delval, Clerk of the County Courts at Law court.

MARY LOUISE GARCIA, COUNTY CLERK
Tarrant County, Texas
County Court at Law No. 1
100 W. Weatherford St., Room 250
Fort Worth, Texas 76196-0401

By 
Lesly Martinez Delval, Deputy



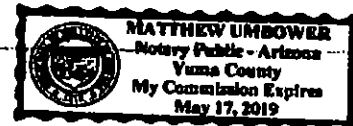
TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

OFFICER/AUTHORIZED PERSON RETURN

Received on the 18th day of July, 20 17 at 3:00 PM M., and executed the same in
Yuma County of Arizona (State) on the 19th day of July
20 17 at 8:42 AM M., by delivering to Sergio Aguirre
_____, a true and correct copy of this citation, together with an
attached copy of the Plaintiff's Original Petition with the date of service marked thereon.

Total Service Fees: Rolando Valdez, Arizona Process Server
\$ _____ 301 South Second Avenue, Suite 2, Yuma, Arizona 85364 (Authorized Person)
By [Signature] _____ (If Applicable)

SUBSCRIBED AND SWORN TO BEFORE ME on the 20th day of July, 20 17, to certify which
witness my hand and official seal.
Matthew Umbower Notary Public in and for Yuma County,
Arizona (State). My Commission expires _____



ORIGINAL CITATION

CAUSE NO: 2017-003991-1

Karen Snell and Gary Snell

vs.

Sergio Aguirre
1640 W. 8th Street
Apt 7
Yuma, AZ 85364

ISSUED THIS: July 12, 2017

By: Lesly Martinez Delval

Agency: ATTORNEY

County Court at Law No. 1
100 W. Weatherford St., Room 250
Fort Worth, Tarrant County, Texas 76196-0401



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TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

CAUSE NO: 2017-003991-1

ORIGINAL CITATION

ORIGINAL PETITION



THE STATE OF TEXAS

E-FILED
TARRANT COUNTY, TEXAS
7/26/2017 12:16 PM
MARY LOUISE GARCIA
COUNTY CLERK
BY: C.D. R.

**TO: Holguin Transport Service Corp. d/b/a/ H.T.S.
b/s Radames Santiesteban, registered agent
8948 NW 119th Terrace
Hialeah Gardens, FL 33018
Defendant in the hereinafter styled and numbered cause.**

You are commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days from the date of service of this citation in the County Court at Law No. 1 of Tarrant County, Texas, at the Courthouse located at 100 WEST WEATHERFORD ST., Fort Worth, Texas 76196. The Original Petition was filed on July 03, 2017, and is numbered 2017-003991-1. The case style is:

Karen Snell and Gary Snell

vs

Holguin Transport Service Corp. d/b/a/ H.T.S. and Sergio Aguirre

A true copy of the above-described Original Petition accompanies and is made a part of this citation.

**Plaintiff Attorney is: Carlos G. Galliani
11700 Preston Rd Suite 600 #216
Dallas, TX 75230
Phone: 214-301-3400**


Bar No:24069752

***** NOTICE TO DEFENDANT *****

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DOES NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

Issued under my hand and seal of this court on July 12, 2017 at Fort Worth, Texas, by Lesly Martinez Delval, Clerk of the County Courts at Law court.

**MARY LOUISE GARCIA, COUNTY CLERK
Tarrant County, Texas
County Court at Law No. 1
100 W. Weatherford St., Room 250
Fort Worth, Texas 76196-0401**

By 
Lesly Martinez Delval, Deputy



**TRUE AND CORRECT COPY OF
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TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK**

CAUSE NO. 2017-003991-1

KAREN SNELL AND GARY SNELL

IN THE COUNTY COURT

Plaintiff(s),

VS.

AT LAW NO. 1

**HOLGUIN TRANSPORT SERVICE CORP.
D/B/A H.T.S. AND SERGIO AGUIRRE**

Defendant(s).

TARRANT COUNTY, TEXAS

RETURN OF SERVICE

Came to my hand on Wednesday, July 19, 2017 at 10:03 AM,
Executed at: 8948 NW 119TH TERRACE, HIALEAH GARDENS, FL 33018
within the county of Miami-Dade at 1:27 PM, on Thursday, July 20, 2017,
by individually and personally delivering to the within named:

HOLGUIN TRANSPORT SERVICE CORP. D/B/A H.T.S.

By delivering to its Registered Agent, RADAMES SANTISTEBAN
By delivering to ZOILA DOLORES LOPES, VICE PRESIDENT
a true copy of this

CITATION and PLAINTIFF'S ORIGINAL PETITION

having first endorsed thereon the date of the delivery.

BEFORE ME, the undersigned authority, on this day personally appeared **MICHAEL RUBI** who after being duly sworn on oath states: "My name is **MICHAEL RUBI**. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Florida. I have personal knowledge of the facts and statements contained in this affidavit and aver that each is true and correct. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

MICHAEL RUBI

Of:

Miami-Dade County

By:

Authorized Person - MDCPS#2153

Subscribed and Sworn to by **MICHAEL RUBI**, Before Me, the undersigned authority, on this
24 day of July, 2017.



CHRIS YEOMAN
MY COMMISSION # FF 691116
EXPIRES November 27, 2019
Elected to Public Office

Notary Public in and for the State of Florida



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TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

CAUSE NO. 2017-003991-1

KAREN SNELL AND GARY SNELL,	§	IN THE COUNTY COURT
PLAINTIFFS,	§	
	§	
VS.	§	COUNTY COURT AT LAW NO. 1
	§	
HOLGUIN TRANSPORT SERVICE	§	
CORP. DBA H.T.S. AND SERGIO	§	
AGUIRRE,	§	TARRANT COUNTY, TEXAS
DEFENDANTS.		

DEFENDANTS HOLGUIN TRANSPORT SERVICE CORP. DBA H.T.S. AND SERGIO
AGUIRRE'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Come now Holguin Transport Service Corp. dba H.T.S. and Sergio Aguirre, Defendants in the above entitled and numbered cause, and in reply to Plaintiffs' Original Petition respectfully show the Court as follows:

I.

Defendants deny generally the material allegations contained in Plaintiffs' Original Petition, demand proof thereof by a preponderance of the evidence, and of this general denial pray judgment of the Court.

II.

Defendants demand a jury trial.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that upon final hearing judgment be entered that Plaintiffs Karen Snell and Gary Snell take nothing and that Defendants be discharged with their costs and that they have such other and further relief to which they may be justly entitled.



TRUE AND CORRECT COPY OF
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TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

Respectfully Submitted,

DAVID KLOSTERBOER & ASSOCIATES

/s/ Vionette Delgado

VIONETTE DELGADO

Texas Bar No. 24012546

1301 E. Collins Blvd., Suite 490

Richardson, TX 75081

Direct Telephone: 214-570-6296

Main Telephone: 214-570-6300

Facsimile: 214-570-6262

ATTORNEYS FOR DEFENDANTS

HOLGUIN TRANSPORT SERVICE CORP.

DBA H.T.S. AND SERGIO AGUIRRE



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
MARY LOUISE GARCIA, COUNTY CLERK

CERTIFICATE OF SERVICE

This is to certify that, on this the 26th day of July, 2017, a true and correct copy of the foregoing document was forwarded to all counsel of record as follows:

Carlos Galliani
Law Office of Carlos G. Galliani, P.C.
11700 Preston Road, Suite 660 #216
Dallas, TX 75230
Facsimile 817-345-3522

<u> x </u>	E-Service
<u> </u>	Facsimile
<u> </u>	Certified Mail, Return Receipt Requested
<u> </u>	Receipted Commercial Delivery
<u> </u>	Regular U.S. Mail

*Attorney for Plaintiff,
Karen Snell and Gary Snell*

/s/ Vionette Delgado

Vionette Delgado

